

Remarks

Claims 1 and 32 have been amended. Claims 11, 13-24, 26-28, 31 and 33 have been canceled without prejudice and with the understanding that Applicants may pursue the subject matter encompassed by these claims in a future continuation and/or divisional application. The amendment to claim 1 incorporates the subject matter of claim 11 and adds no new matter. After entry of the above amendments, claims 1-10, 12, 25, 29, 30, 32 and 34-37 will be pending.

1. Rejection Under 35 U.S.C. § 112, first paragraph

The Examiner maintains her rejection of the claims under 35 U.S.C. § 112, first paragraph. According to the Examiner, while the specification is enabled for a method of treating and/or reducing the risk of development of Type II diabetes comprising the administration of a *Trichocaulon* or *Hoodia* extract comprising the compound of structural formula (1), it does not reasonably provide enablement for the extract recited by Applicants' independent claims 1 and 32. The Examiner uses an *In re Wands* factors analysis to support a finding of undue experimentation against these claims which identify the extract as containing "one or more steroidal glycosides."

Applicants have amended claims 1 and 32 to incorporate the subject matter of claim 11, now canceled, wherein the identified extract comprises a compound of the structural formula (1). Because the Examiner has acknowledged that Applicants' specification is enabled for the treatment or prevention of Type II diabetes in humans and other mammals comprising administration of a *Trichocaulon* or *Hoodia* extract comprising the compound of the same structural formula (1), Applicants request that this rejection be withdrawn and that claims 1-10, 12, 25, 29, 30, 32 and 34-37 be found in a condition for allowance.

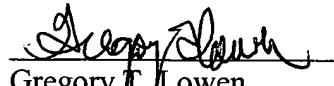
2. **Conclusion**

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. The amendments to the claims are fully supported by the specification and claims as filed and do not add new matter. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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